

E1-3268

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.  
(312) 252-1511  
mbarron@fletcher-sippel.com

October 19, 2007

## VIA FIRST-CLASS MAIL

Mr. Troy Brady  
Section of Environmental Analysis  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Re: Ashland Ore Dock

Dear Troy:

I wanted to follow-up my draft MOA that I tendered with an update on our efforts on resolving permit issues at the state and local level as they pertain to addressing the safety items on the Ashland Ore Dock.

Thank you for forwarding me the information on SightLine LLC. We will definitely consider their services when doing the documentation for the substructure and main superstructure. Having said that, however, we seek to move forward quickly on the safety items.

Wisconsin Central Ltd. ("WCL") is seeking to modify the 106 Condition so as to allow it to immediately remove the chutes, appurtenances and remaining timber approach. A state-funded study strongly recommended quick resolution of these safety items, and in particular the study found at least some of the chutes in "imminent failure" condition, at risk of falling into the lake. Therefore, our hope is to get these items removed as quickly as possible.

At the state and local level, we are working with the City of Ashland, the Wisconsin DNR, and the Corps of Engineers to make sure those agencies are onboard with our plan to remove the safety items. These agencies have expressed concern over these safety issues and a desire to resolve them quickly. At the same time, these agencies have also expressed concern that what WCL does on the safety items does not run afoul of the 106 process. In particular, the Corps of Engineers has indicated that no permit to perform work on the Ashland Ore Dock will be effective until the 106 condition is properly modified.

Therefore, it is very important for WCL to modify the 106 Condition with regard to the safety items to, among other things, address these agencies' concerns about our plans for the Ashland Ore Dock.

# FLETCHER & SIPPEL LLC

Mr. Troy Brady  
October 19, 2007  
Page 2

Our overriding concern is safety, and with that in mind we are sincerely hoping that we can get the MOA finalized, the 106 Condition modified to allow us to address the safety items, and the safety items removed before the weather prevents it for this year.

Please let me know if you have any questions on the draft MOA or need any other assistance from WCL in this process.

Sincerely,



Michael J. Barron, Jr.  
Attorney for Wisconsin Central Ltd.

MJB: arw

cc: Sherman Banker, Wisconsin Historical Society  
Michael Cain, Wisconsin DNR  
Brian Knapp, City of Ashland